



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application No. 10/666,453)
)
Filed: September 17, 2003)
)
Applicants: Alan Dane SMITH et al.)
)
Title: METHOD AND APPARATUS)
FOR DETERMINING A)
POSITION OF A MOVABLE)
BARRIER)
)
Art Unit: 2878)
)
Examiner: Stephone B. ALLEN)
)

Attorney Docket: 5569/79402)
)
Customer No.: 22242)

Confirmation No. 8365

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

5/10/2005
Date

Kenneth H. Samples
Kenneth H. Samples
Registration No. 25,747
Attorney for Applicant(s)

Mail Stop AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER

Sir:

The Chamberlain Group, Inc., a corporation organized and existing under the laws of the State of Connecticut, having its principal place of business at 845 Larch Avenue, Elmhurst, Illinois, 60126, represents through its attorneys that it is the owner by assignment of the entire right, title and interest in and to the above-identified United States Patent Application Number 10/666,453. The above-identified Application Number 10/666,453 is a continuation of Application Number 10/137,580, filed May 2, 2003, which is a continuation of Application

05/13/2005 WASFAW1 00000033 061135 10666453

02 FC:1814 130.00 DA

Application No. 10/666,453
Terminal Disclaimer dated May 10, 2005
Reply to Office Action of February 10, 2005

Number 09/777,944, filed February 6, 2001, now U.S. Patent No. 6,376,832. The Chamberlain Group, Inc., through its attorneys, represents that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,376,832 by reason of an Assignment recorded in the United States Patent and Trademark Office on August 30, 2001 at Reel 012135, Frame 0070. A copy of said Notice of Recordation and Assignment are attached hereto.

The Chamberlain Group, Inc. hereby disclaims, except as provided below, the terminal part of any patent granted on Application Number 10/666,453 which would extend beyond the expiration date of the full statutory term, as defined by 35 U.S.C. §§ 154 to 156 and 173, of U.S. Patent No. 6,376,832. The Chamberlain Group, Inc. hereby agrees that any patent so granted on Application Number 10/666,453 shall be enforceable only for and during such periods it and U.S. Patent No. 6,376,832 are commonly owned. This agreement is to run with any patent granted on Application Number 10/666,453, and is binding upon the grantee, successors, or assigns.

In making the above disclaimer, The Chamberlain Group, Inc. does not disclaim the terminal part of any patent granted on Application Number 10/666,453 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,376,832 in the event that U.S. Patent No. 6,376,832 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1135 in the amount of \$130.00 to cover the fee set forth in 37 C.F.R. § 1.20(d).

Application No. 10/666,453
Terminal Disclaimer dated May 10, 2005
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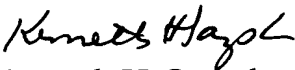
The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

The undersigned is the attorney of record for this matter.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By


Kenneth H. Samples
Registration No. 25,747

May 10, 2005

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Chicago, Illinois 60603-3406
Telephone (312) 577-7000
Facsimile (312) 577-7007



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FITCH, EVEN, TABIN & FLANNERY
KENNETH H. SAMPLES
120 S. LASALLE STREET, SUITE 1600
CHICAGO, IL 60603-3406



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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/30/2001

REEL/FRAME: 012135/0070
NUMBER OF PAGES: 13

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SMITH, ALAN DANE

DOC DATE: 08/04/2001

ASSIGNOR:

VALENTE, CHRIS M.

DOC DATE: 07/26/2001

ASSIGNOR:

RATHGEBER, MARTIN

DOC DATE: 07/31/2001

ASSIGNOR:

SIEGLER, MARK D.

DOC DATE: 08/03/2001

ASSIGNOR:

FITZGIBBON, JAMES J.

DOC DATE: 07/26/2001

ASSIGNEE:

THE CHAMBERLAIN GROUP, INC.
845 LARCH AVENUE
ELMHURST, ILLINOIS 60126

012135/0070 PAGE 2

SERIAL NUMBER: 09777944
PATENT NUMBER:

FILING DATE: 02/06/2001
ISSUE DATE:

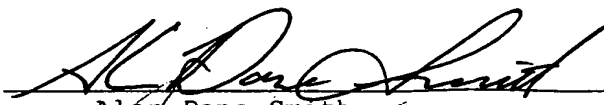
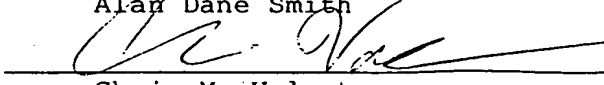
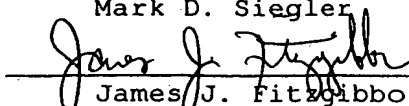
SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

A S S I G N M E N T

We, ALAN DANE SMITH, residing at 1665 W. De Carinosa, Sahuarita, in the County of Pima, State of Arizona; CHRIS M. VALENTE, residing at 435 Joyce Avenue, Lombard, in the County of DuPage, State of Illinois; MARTIN RATHGEBER, residing at 2212 N. Rockwell, Chicago, in the County of Cook, State of Illinois; and MARK D. SIEGLER, residing at 2362 Adamsway Drive, Aurora, in the County of DuPage, and JAMES J. FITZGIBBON, residing at 1521 Hadley Drive, Batavia, in the County of Kane, State of Illinois, for good and valuable consideration, receipt of which are hereby acknowledged, have assigned and do hereby assign to THE CHAMBERLAIN GROUP, INC., a Connecticut corporation having its principal place of business at 845 Larch Avenue, Elmhurst, Illinois, its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter invented by us and disclosed in the application for Letters Patent of the United States entitled

METHOD AND APPARATUS FOR DETERMINING
A POSITION OF A MOVABLE BARRIER
U.S. Serial No. 09/777,944

filed February 6, 2001, and in and to all Letters Patent and all Convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter. We agree to sign all documents necessary to secure all said Letters Patent and rights, and request issuance of all said Letters Patent to the above assignee in accordance with this Assignment.

Date: <u>08/04/01</u> , 2001	 Alan Dane Smith
Date: <u>7/21</u> , 2001	 Chris M. Valente
Date: _____, 2001	_____ Martin Rathgeber
Date: _____, 2001	_____ Mark D. Siegler
Date: <u>7/26</u> , 2001	 James J. Fitzgibbon

STATE OF Arizona)
COUNTY OF Pima) SS

I hereby certify that, before me in the County of Pima
in the State of Arizona, personally appeared ALAN DANE
SMITH, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he
executed it.

Witness my hand and official seal.

Date: 8-4-01, 2000

Marcene D. Amiot
Notary Public

My Commission Expires:



STATE OF)
COUNTY OF) SS

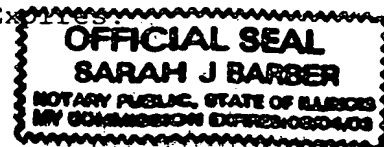
I hereby certify that, before me in the County of DePage
in the State of Illinois, personally appeared CHRISTOPHER M.
VALENTE, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he
executed it.

Witness my hand and official seal.

Date: 7-26-01, 2000

Sarah J. Barber
Notary Public

My Commission Expires:



STATE OF)
COUNTY OF) SS

I hereby certify that, before me in the County of _____
in the State of _____, personally appeared MARTIN RATHGEBER,
personally known to me to be the person whose name is subscribed to
the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: _____, 2000

Notary Public

My Commission Expires:

STATE OF

)

) SS

COUNTY OF

)

I hereby certify that, before me in the County of _____ in the State of _____, personally appeared MARK D. SIEGLER, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: _____, 2000

Notary Public

My Commission Expires:

STATE OF

)

) SS

COUNTY OF

)

I hereby certify that, before me in the County of DuPage in the State of Illinois, personally appeared JAMES J. FITZGIBBON, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: 7-26-01, 2001

Sarah J Barber
Notary Public

My Commission Expires:



A S S I G N M E N T

We, ALAN DANE SMITH, residing at 1665 W. De Carinosa, Sahuarita, in the County of Pima, State of Arizona; CHRIS M. VALENTE, residing at 435 Joyce Avenue, Lombard, in the County of DuPage, State of Illinois; MARTIN RATHGEBER, residing at 2212 N. Rockwell, Chicago, in the County of Cook, State of Illinois; and MARK D. SIEGLER, residing at 2362 Adamsway Drive, Aurora, in the County of DuPage, and JAMES J. FITZGIBBON, residing at 1521 Hadley Drive, Batavia, in the County of Kane, State of Illinois, for good and valuable consideration, receipt of which are hereby acknowledged, have assigned and do hereby assign to THE CHAMBERLAIN GROUP, INC., a Connecticut corporation having its principal place of business at 845 Larch Avenue, Elmhurst, Illinois, its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter invented by us and disclosed in the application for Letters Patent of the United States entitled

METHOD AND APPARATUS FOR DETERMINING
A POSITION OF A MOVABLE BARRIER
U.S. Serial No. 09/777,944

filed February 6, 2001, and in and to all Letters Patent and all Convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter. We agree to sign all documents necessary to secure all said Letters Patent and rights, and request issuance of all said Letters Patent to the above assignee in accordance with this Assignment.

Date: _____, 2001

Alan Dane Smith

Date: 7/21, 2001

Chris M. Valente

Date: 7/31, 2001

Martin Rathgeber

Date: _____, 2001

Mark D. Siegler

Date: 7/26, 2001

James J. Fitzgibbon

STATE OF)

) SS

COUNTY OF)

I hereby certify that, before me in the County of _____
in the State of _____, personally appeared ALAN DANE
SMITH, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he
executed it.

Witness my hand and official seal.

Date: _____, 2000

Notary Public

My Commission Expires:

STATE OF)

) SS

COUNTY OF)

I hereby certify that, before me in the County of DuPage
in the State of Illinois, personally appeared CHRISTOPHER M.
VALENTE, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he
executed it.

Witness my hand and official seal.

Date: 7-26-01, 2000

Sarah J. Barber
Notary Public

My Commission Expires:



STATE OF)

) SS

COUNTY OF)

I hereby certify that, before me in the County of COOK
in the State of ILLINOIS, personally appeared MARTIN RATHGEBER,
personally known to me to be the person whose name is subscribed to
the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: 7/31/01, 2000

Paula G. Hight
Notary Public

My Commission Expires: 6/19/03



STATE OF

)

) SS

COUNTY OF

)

I hereby certify that, before me in the County of _____
in the State of _____, personally appeared MARK D. SIEGLER,
personally known to me to be the person whose name is subscribed to
the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: _____, 2000

Notary Public

My Commission Expires:

STATE OF

)

) SS

COUNTY OF

)

I hereby certify that, before me in the County of DuPage
in the State of Illinois, personally appeared JAMES J.
FITZGIBBON, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he
executed it.

Witness my hand and official seal.

Date: 7-26-01, 2001

Sarah J Barber
Notary Public

My Commission Expires:



A S S I G N M E N T

We, ALAN DANE SMITH, residing at 1665 W. De Carinosa, Sahuarita, in the County of Pima, State of Arizona; CHRIS M. VALENTE, residing at 435 Joyce Avenue, Lombard, in the County of DuPage, State of Illinois; MARTIN RATHGEBER, residing at 2212 N. Rockwell, Chicago, in the County of Cook, State of Illinois; and MARK D. SIEGLER, residing at 2362 Adamsway Drive, Aurora, in the County of DuPage, and JAMES J. FITZGIBBON, residing at 1521 Hadley Drive, Batavia, in the County of Kane, State of Illinois, for good and valuable consideration, receipt of which are hereby acknowledged, have assigned and do hereby assign to THE CHAMBERLAIN GROUP, INC., a Connecticut corporation having its principal place of business at 845 Larch Avenue, Elmhurst, Illinois, its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter invented by us and disclosed in the application for Letters Patent of the United States entitled

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Date: _____, 2001

Alan Dane Smith

Date: 7/21, 2001

Chris M. Valente

Date: _____, 2001

Martin Rathgeber

Date: 8/3, 2001

Mark D. Siegler

Date: 7/26, 2001

James J. Fitzgibbon

STATE OF Illinois)
) SS
COUNTY OF Cook)

I hereby certify that, before me in the County of Cook
in the State of Illinois, personally appeared MARK D. SIEGLER,
personally known to me to be the person whose name is subscribed to
the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: 8/3/01, 2000 Carol D. Fryer
Notary Public
My Commission Expires: 8/30/04



STATE OF)
) SS
COUNTY OF)

I hereby certify that, before me in the County of DuPage
in the State of Illinois, personally appeared JAMES J.
FITZGIBBON, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he
executed it.

Witness my hand and official seal.

Date: 7-26-01, 2001 Sarah J. Barber
Notary Public
My Commission Expires:



STATE OF)
) SS
COUNTY OF)

I hereby certify that, before me in the County of _____
in the State of _____, personally appeared ALAN DANE
SMITH, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he
executed it.

Witness my hand and official seal.

Date: _____, 2000

Notary Public
My Commission Expires:

STATE OF)
) SS
COUNTY OF)

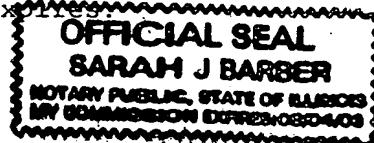
I hereby certify that, before me in the County of DuPage
in the State of Illinois, personally appeared CHRISTOPHER M.
VALENTE, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he
executed it.

Witness my hand and official seal.

Date: 7-26-01, 2000

Sarah J. Barber
Notary Public

My Commission Expires



STATE OF)
) SS
COUNTY OF)

I hereby certify that, before me in the County of _____
in the State of _____, personally appeared MARTIN RATHGEBER,
personally known to me to be the person whose name is subscribed to
the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: _____, 2000

Notary Public

My Commission Expires:

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